

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED IN OPEN COURT  
DATE: 5/26/05  
TIME: 10:30 AM  
INITIALS: JPW

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
VENCEL MARTIN, )  
 )  
Defendant. )

Criminal No. 04-20311-M1

**PLEA AGREEMENT**

The following constitutes the Plea Agreement reached between the United States, represented by Terrell L. Harris, United States Attorney for the Western District of Tennessee, and Vivian R. Donelson, Assistant United States Attorney, the defendant, Vencel Martin, represented by Stephen Leffler, defense counsel. The parties, represented and advised throughout by counsel, agree to the following:

1. The parties enter this Plea Agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. If the Court rejects the agreement either party may withdraw from the agreement.

2. The defendant will enter a plea of guilty to Count 20 and Count 22 of the Indictment.

3. At sentencing the United States will move to dismiss the remaining count.

4. The parties mutually agree that the sentence of imprisonment imposed in this case shall be not less than 12 months, nor more than 15 months. The defendant will request a sentence of 12 months. The government agrees not to oppose that request as long as the defendant demonstrates acceptance of responsibility. If the court imposes a sentence below or above the agreed upon range, either party shall be afforded an opportunity to withdraw from the agreement.

5. The defendant agrees to waive, except with respect to claims of ineffective assistance of counsel or prosecutorial misconduct, his rights to appeal his conviction and, challenge the voluntariness of his guilty plea including, but not limited to, a motion brought pursuant to Title 28 United States Code § 2255.

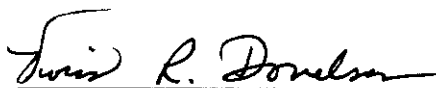
6. There are no agreements as to the term of supervised release, probation, fines or restitution, except the provision contained in paragraph 7 below about restitution. These matters are left to the discretion of the United States District Court.

7. Should the court deem restitution appropriate, the defendant agrees that the Court may consider losses from the count of conviction and the dismissed counts.

8. The Court will impose a special assessment of \$100.00 per felony count. The assessment of \$200.00 will be paid at sentencing.

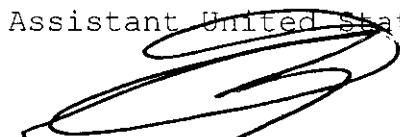
FOR THE UNITED STATES

TERRELL L. HARRIS  
UNITED STATES ATTORNEY



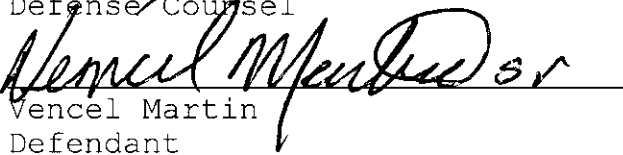
Vivian R. Donelson  
Assistant United States Attorney

5-26-05  
Date



Stephen Leifler  
Defense Counsel

5-25-05  
Date



Vencel Martin  
Defendant

05/25/05  
Date



## Notice of Distribution

This notice confirms a copy of the document docketed as number 160 in case 2:04-CR-20311 was distributed by fax, mail, or direct printing on June 13, 2005 to the parties listed.

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Larry E. Fitzgerald  
FITZGERALD & HARRIS  
22 N. Second Street  
Ste. 410  
Memphis, TN 38103

Stephen R. Leffler  
LEFFLER LAW OFFICE  
707 Adams Ave.  
Memphis, TN 38105

Dewun R. Settle  
LAW OFFICE OF DEWUN R. SETTLE  
100 N. Main Bldg.  
Ste. 3001  
Memphis, TN 38103

Mark Saripkin  
LAW OFFICE OF MARK SARIPKIN  
140 N. Third St.  
Memphis, TN 38103

Vivian R. Donelson  
U.S. ATTORNEY'S OFFICE  
167 N. Main St.  
Ste. 800  
Memphis, TN 38103

Leslie I. Ballin  
BALLIN BALLIN & FISHMAN  
200 Jefferson Ave.  
Ste. 1250  
Memphis, TN 38103

William C. Gosnell  
LAW OFFICE OF WILLIAM C. GOSNELL  
245 Exchange Ave.  
Memphis, TN 38105

Honorable Jon McCalla  
US DISTRICT COURT